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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,114	11/27/2000	Tsutomu Ooshima	001552	4617

23850 7590 07/01/2002

ARMSTRONG, WESTERMAN & HATTORI, LLP
1725 K STREET, NW.
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

MERCADO, JULIAN A

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 07/01/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-3

Office Action Summary

Application No.

09/722,114

Applicant(s)

OOSHIMA, TSUTOMU

Examiner

Julian A. Mercado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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DETAILED ACTION

Priority

Acknowledgment is made of Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Objections

Claims 1 and 3 are objected to because of the following informalities:

- a. In claim 1 at line 3, it is suggested to change "on" to --onto--.
- b. In claim 3 at line 4, it is suggested to change "in form of" to -- in the form of a --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the center of the battery case" in line 10. There is insufficient antecedent basis for this limitation in the claim. The center of the battery case is also not clear from reading Applicant's disclosure as the battery case appears to be non-symmetrical.

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Claim 3 similarly recites the limitation "the center" in line 8 and is thus rejected under the same grounds as in claim 1.

Claim 3 recites the limitation "the opening end" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

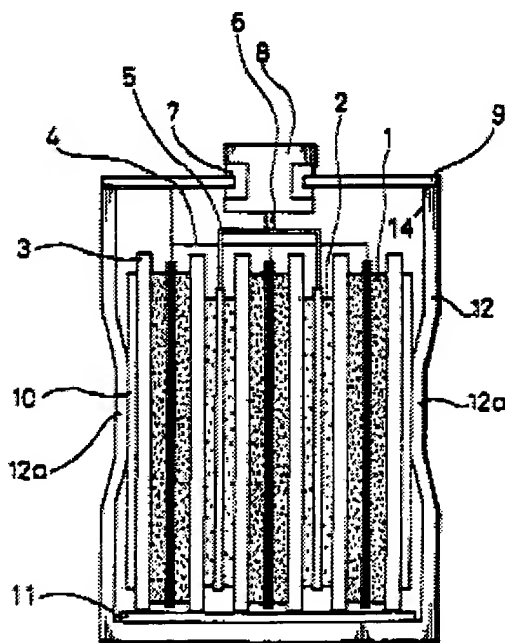
Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Omaru. (U.S. Pat. 5,916,707).

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Omaru teaches a sealed lithium ion battery having a battery element of a flat shape, i.e. parallelepiped, as found in column 10 line 43 et seq.:

Then as shown in FIG. 1, an insulating sheet 11 was placed on an inner surface of the bottom wall of a battery case 12 of iron in the form of a hollow flat rectangular parallelepiped, the battery case 12 being plated with a nickel layer having a thickness of 450 μm , and the laminated electrode assembly was introduced into the battery case 12 through its open end 14 placed on the insulating sheet 11 (see also FIGS. 6A through 6C). The width of the battery case 12, which represents the dimension between respective outer surfaces of those side walls of the battery case 1 which are free of the lands 12a, was 34 mm. The dimensions A, B, C, D, E, F of the battery case 12 shown in FIGS. 2A and 6A were A=48 mm, B=40 mm, C=15 mm, D=4 mm, E=8.3 mm, and F=6.6 mm. The laminated electrode assembly had a thickness G (see FIG. 6B) of 6.6 mm.

FIG. 1



A recessed portion [12a] in the form of a vertical wall surface having a small curved surface, i.e. the concave region along the sides of the battery, has a central axis such as one interpolated between the outer surface of the battery and the inner flat surface or "lands" [12a].

To the extent that the claims are understood by the examiner for the reasons discussed under 35 U.S.C. 112, second paragraph (discussion above), the axis is positioned on a surface of the battery casing which surface passes through the battery case's horizontal center as shown in Figure 1.

To the extent that the claims are understood by the examiner for the reasons discussed under 35 U.S.C. 112, second paragraph (discussion above), as to the distance from the wall surface to the opening end of the battery gradually reduced toward the center, the distance from the wall surface to the opening end decreases towards the battery case's horizontal center if measured from bottom to top along the lower curvature of the inner flat surface.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. 6,248,472 B1 to Kelemen is cited of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian A. Mercado whose telephone number is (703) 305-0511. The examiner can normally be reached on Monday through Friday.

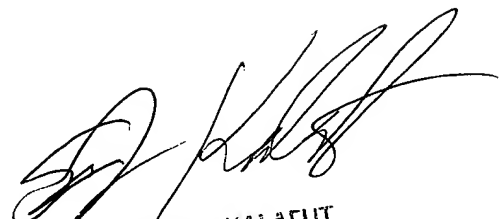
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (703) 308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 305-3599 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

jam
June 26, 2002


STEPHEN KALAFUT
PRIMARY EXAMINER
GROUP 1700